IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.792 OF 1995
IN
WRIT PETITION NO.2455 OF 1994

1. Municipal Corporation of
Greater Bombay, having its
office at Mahapalika Marg,
Opp.V.T., Bombay-400 001.

2. Shri Sharad Kale,
Municipal Commissioner, having
his office at Municipal Main
Building, Mahapalika Marg,
Bombay-400 001. .. Petitioners

v/s.

1. Deepak Mukundrai Trivedi,
residing at 62/3, Safalya,
Pandurang Wadi, Road No.2,
Goregaon (East), Bombay-63.

2. Shri G.V.Kalikar,
Enquiry Officer. .. Respondents

Ms.Neeta Karnik i/by Ms.A.H.Chheda for appellant.

Mr.E.P.Bharucha, senior counsel with Ms.K.Bharucha
i/by Mr.M.P.Vashi for respondents.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 28th September, 2004

ORAL JUDGMENT (Per R.M.Lodha, J.)

During the course of hearing, the first respondent through his senior counsel submitted that he was not desirous of seeking reinstatement and back wages as directed in the impugned order dated 11th August, 1995 passed by the learned single Judge. The respondent also expressed his desire to resign from the post of Assistant Law

Officer from the date impugned order came to be passed. He, however, submitted that the amount which has been deposited by the appellants may be allowed to be withdrawn by him.

2. The learned counsel for the appellants after seeking instructions from Mr.S.H.Ujjanwala, Law Officer for the Municipal Corporation of Greater Mumbai left the matter to the court and submitted that the order may be passed by the court as thought fit in the light of the submission of the first respondent.

3. In our considered view, the proposal of the first respondent is fair and reasonable and in view thereof the merits of the diverse contentions raised in the appeal need not be examined by us.

4. We, accordingly, dispose of the appeal by the following order:-

(i) The first respondent Shri Deepak M. Trivedi shall be deemed to have resigned as Assistant Law Officer in the Legal Department of the Municipal Corporation of Greater Mumbai with effect from 11.8.1995.

(ii) The first respondent shall have no

claim of back wages or any other benefits save and except that he will be entitled to withdraw the amount deposited by the appellants before this court with accrued interest, if any.

No costs.

(R.M.LODHA, J.)

(J.P.DEVADHAR, J.)